

Remarks

Applicant has considered the Office Action mailed on February 23, 2006. Claims 1-35 are pending in the present patent application. Of the pending claims, the Examiner rejected claims 1-35. In response to the Office Action, Applicant canceled claims 2, 18 and 35 and incorporated the subject matter therefrom into claims 1, 17 and 33 to overcome the 35 USC §102(b) rejection. In addition, Applicant amended claim 15 to overcome the 35 USC §112, second paragraph rejection. No new matter has been added. Applicant requests further examination and reconsideration of the present patent application.

The Examiner rejected claims 12-14, 15 and 28-30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In one part of the §112, second paragraph rejection, the Examiner noted that the limitation "said device" in claim 15, line 1 lacks proper antecedence basis. Applicant amended claim 15 to provide proper antecedent basis for the limitation "said device". Accordingly, Applicant requests that the Examiner reconsider and remove this ground of rejection for claim 15.

In another part of the §112, second paragraph, rejection, the Examiner submitted that the term "urgent data" in claims 12-14 and 28-30 is a relative term which renders the claims indefinite. In particular, the Examiner submitted that the term "urgent" is not defined by the claim and the specification does not provide a standard for ascertaining the requisite degree. As a result, the Examiner submitted that one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicant respectfully traverses this ground of rejection and submits that the term "urgent data" when read in light of the disclosure, provides enough of a degree of precision and particularity that one of ordinary skill in the art would

understand the subject matter that claims 12-14 and 28-30 encompass. As noted in the Office Action, the present patent application provides examples of urgent data on page 12, lines 5-8. Some examples of urgent data include error conditions, MICR raw sample data or MICR character data. Other sections in the present patent application which mention urgent data include, page 12, line 10 through page 13, line 2; page 20, lines 7-9; and page 21, line 8 through page 24, line 6.

To determine whether a claim is sufficiently definite, Applicant believes that one needs to analyze whether a person skilled in the art would understand the bounds of the claim when read in light of the specification. Applicant believes that a person reasonably skilled in the art could ascertain a requisite degree of understanding of this term in light of the examples provided on page 12, lines 5-8 of the application and the discussion provided in the other noted sections. Applicant submits that there is no need to provide a definition of the term "urgent data" in the claims and thus it can be open-ended as long as one of ordinary skill in the art would understand both the utilization and scope of the term as set forth in the claimed invention in light of the specification. With the degree of understanding provided in the above-noted sections, Applicant submits that one of ordinary skill in the art would understand both the utilization and scope of the term "urgent data" as set forth in the claimed invention. Since the limitation "urgent data" as used in claims 12-14 and 28-30 is believed to be clear and precise enough for the understanding of a person of ordinary skill in the art, Applicant requests that the Examiner reconsider and remove this ground of rejection.

In view of the above, Applicant believes that all grounds of the §112, second paragraph, rejection have been obviated. Accordingly, Applicant requests that the Examiner reconsider and remove the §112, second paragraph, rejection of claims 12-14, 15 and 28-30.

The Examiner rejected claims 1-35 under 35 USC §102(b) as being anticipated by Lambrecht (US Patent No. 5,809,261). Applicant respectfully traverses the §102(b) rejection of the present patent application and submits that Lambrecht does not anticipate the claimed invention.

Independent claims 1, 17 and 33 of the present invention now recite *inter alia*, the limitation that each of the TCL modules communicates with the DPM device in a round robin fashion. Lambrecht uses arbitration logic to grant bus access to the multi-media devices 142, 144 and 146. Lambrecht does not teach that the arbitration logic uses a round robin methodology to grant bus access to the multi-media devices. Generally, a round robin methodology operates on a rotating basis where each of the TCL modules has a regular and equal opportunity to communicate with the DPM device. Lambrecht only discusses the arbitration logic in general terms and does not provide specific arbitration methodology that can be used (e.g., col. 21, lines 22-35). As a result, the Examiner interpreted the term “arbitration” with an example; wherein each device is pitted against another device and whoever wins arbitration has access to the buffer. Applicant submits that this interpretation of arbitration is different than a round robin methodology that permits communication based on regular and equal opportunities. Round robin methodology does not contemplate pitting one device against another device. Therefore, Applicant believes that Lambrecht does not anticipate, *inter alia*, the round-robin limitation recited in independent claims 1, 17 and 33.

Since Lambrecht does not disclose using a round robin methodology, Applicant submits that Lambrecht does not anticipate independent claims 1, 17 and 33. Claims 3-16; 19-32; and 34 depend directly or indirectly from now presumably allowable claims 1, 17 and 33, respectively, and thus are in allowable condition by dependency. Accordingly, Applicant requests that the Examiner reconsider and remove the §102(b) rejection of claims 1, 3-17 and 19-34 under Lambrecht.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider this application and allow claims 1, 3-17 and 19-34.

If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, David C. Goldman, at telephone number (518)-449-0044.

Respectfully submitted,

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